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TEXT

TAGS: PHUM, ELAB, KSEP, CO
COMBINE: COMPLETE

SUBJECT: FINAL COMMENTS ON DRAFT 1997 COLOMBIAN HUMAN RIGHTS
REPORT

REF: A) WEIGOLD-HANSON/FITZPATRICK FAX (1/7/98)
B) 97 BOGOTA 10585 C) 97 BOGOTA 11927

1. (U) SENSITIVE BUT UNCLASSIFIED -- ENTIRE TEXT.

2. (SBU) FOLLOWING ARE POST COMMENTS ON THE DEPARTMENT'S VERSION
ONE (V-1) DRAFT TEXT FOR THE 1997 HUMAN RIGHTS REPORT FOR COLOMBIA.
(REF A). CHANGES PROPOSED HEREIN ARE KEYED TO THE TEXT IN REF A.
POST APPRECIATES THE PROFESSIONAL (AND UNDOUBTEDLY TIME-CONSUMING)
EDITING JOB CLEARLY UNDERTAKEN VIS REFS B AND C. POST DOES

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HOWEVER, HAVE SOME SUBSTANTIVE CONCERN'S OF POLICY IMPORTANCE WITH THE CURRENT TEXT. THESE ITEMS ARE MARKED WITH " \$\$ " INSTEAD OF THE STANDARD " -- " (AND CAN BE FOUND IN THE INTRO, SECTIONS 1.A., 1.B., 1.G., 2.D., 3, 4, AND 6.A.).

INTRODUCTION

3.

\$\$ FIRST PARA, FIRST SENTENCE: AFTER "MULTIPARTY DEMOCRACY" INSERT "OF 38 MILLION PERSONS". RATIONALE: IN ORDER FOR ANY OF THE MANY STATISTICS CITED IN THIS REPORT TO BE PLACED INTO ANY SORT OF PROPER CONTEXT, READERS MUST BE PROVIDED WITH A BASIC POPULATION FIGURE; THE STATS ARE VIRTUALLY MEANINGLESS WITHOUT AN IDEA AS TO HOW POPULOUS THE NATION. ABSENCE ALSO LIMITS THE UTILITY OF THE REPORT AS A BASIC RESOURCE TOOL.

-- PARA TWO, LINE SIX: REPLACE "OVER 100 SEPARATE GUERRILLA GROUPS" "MORE THAN 100 SEPARATE GUERRILLA FRONTS". RATIONALE FOR

"MORE THAN" VICE "OVER": PROPER GRAMMAR. RATIONALE FOR "FRONTS"

VICE "GROUPS": DEFINITIONAL. THERE ARE MORE THAN 100 FRONTS (THE STANDARD TERM OF ART USED HERE; ALSO, DEFINED BY WEBSTER'S AS "THE ADVANCED LINE, OR WHOLE AREA, OF CONTACT BETWEEN OPPPOSING SIDES IN WARFARE; COMBAT ZONE". THAT IS OF WHAT WE SPEAK). "GROUPS" CONNOTES "A USUALLY COMPARATIVELY SMALL ASSEMBLAGE OF INDIVIDUALS" (NOT NECESSARILY THE CASE HERE) AND DOES NOT SPEAK TO THE COORDINATION AMONG THE FRONTS.

\$\$ PARA TWO, LINE ELEVEN: REPLACE "NEARLY TWO-THIRDS" WITH "MORE

THAN HALF". RATIONALE: MATHEMATICALLY, 57 PERCENT (THE POST'S ORIGINAL NUMBER) IS CLOSER TO "HALF" THAN IT IS TO "TWO-THIRDS".

FURTHERMORE, AS BAD AS THE GUERRILLA PROBLEM HAS BECOME, POST SEES NO REASON TO FURTHER INFLAME THE ISSUE HERE BY CREDITING THE GUERRILLAS WITH EVEN MORE EXPANSION THAN THEY HAVE ALREADY ACHIEVED. POST REQUESTS THAT THE SAME CORRECTION ALSO BE MADE TO THE FINAL SENTENCE OF PARA TWELVE OF SECTION 1.G.

\$\$ PARA TWO, LINES ELEVEN-TWELVE: AFTER "1,071 MUNICIPALITIES" APPEND ", AND DEMONSTRATED NO SERIOUS INTEREST IN PEACE TALKS WITH THE SAMPER ADMINISTRATION". RATIONALE: ESSENTIAL CONTEXT; DISTILLATION OF PREVIOUSLY EXCISED LANGUAGE.

\$\$ PARA FIVE, LINES SIX-SEVEN: AFTER "COMMITTED 7.5 PERCENT OF ALL POLITICALLY MOTIVATED EXTRAJUDICIAL KILLINGS" ADD " -- CONTINUING THE DECLINE EVIDENT SINCE THE 1993 PEAK OF 54 PERCENT OF ALL SUCH KILLINGS." RATIONALE: EVIDENCE OF DOWNWARD TREND IS NECESSARY TO SUPPORT STATEMENT IN FIRST SENTENCE OF PARA THAT THERE WERE INDEED "IMPROVEMENTS IN SOME AREAS." THIS IS A DRAMATIC REDUCTION, ONE WHICH HAS BEEN FURTHER REDUCED EVERY SINGLE YEAR SINCE 1993.

\$\$ PARA FIVE, LINES NINE-TEN: DELETE/DELETE THE PHRASE "AND THE TOTAL NUMBER OF SUCH KILLINGS INCREASED SIGNIFICANTLY." RATIONALE: STATEMENT IS ENTIRELY INSUPPORTABLE/INDEFENSIBLE BY POST.

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\$\$ PARA FIVE, LINE TWELVE: REPLACE "CONTINUED TO TORTURE AND BEAT DETAINEES" WITH "CONTINUED TO TORTURE AND BEAT SOME DETAINEES." RATIONALE: QUALIFIER IS NECESSARY TO PROVIDE SENSE OF THE EXTENT OF PROBLEM (WHICH IS RELATIVELY MINOR).

\$\$ PARA FIVE, LINE THIRTEEN-FOURTEEN: REPLACE "THE SECURITY FORCES" WITH "ELEMENTS OF THE SECURITY FORCES". RATIONALE: FACTUAL ACCURACY. THERE IS A CRITICAL DISTINCTION TO BE MADE BETWEEN ABUSES WHICH OCCUR (ADMITTED BY THE GOVERNMENT AND THE MILITARY) AND AN INSTITUTIONAL ENDORSEMENT OF COOPERATION -- WHICH THEY VEHEMENTLY DENY. UNLIKE SOME OTHER COUNTRIES WHERE THERE IS A CLEAR NATIONAL POLICY OF SUCH COOPERATION, THE ABUSES HERE -- AS ENTRENCHED AS THEY MAY BE -- ARE NOT SANCTIONED AS NATIONAL OR INSTITUTIONAL POLICY -- A CRITICAL RECOGNITION UNDERPINNING OUR ENGAGEMENT HERE.

-- PARA NINE: PROBABLY MERITS DIVISION INTO TWO PARAGRAPHS.

\$\$ PARA NINE: INSERT NEW PENULTIMATE SENTENCE: "INDEED, MANY PARAMILITARY GROUPS HAVE FAR STRONGER TIES TO REGIONAL OR LOCAL POLITICAL AND ECONOMIC ELITES -- INCLUDING NARCOTICS TRAFFICKING ORGANIZATIONS -- THAN THEY DO TO THE MILITARY." RATIONALE: ESSENCE OF PARAGRAPH PREVIOUSLY EXCISED BY DEPARTMENT. POST STRONGLY BELIEVES THAT EXCLUSION OF THIS SENTENCE DOES A MAJOR DISERVICE TO READERS, AND DENIES THEM A FULL UNDERSTANDING OF THE NATURE OF THE PARAMILITARY PROBLEM IN COLOMBIA. IN OUR EFFORTS TO EDIT, WE MUST NOT LOSE SIGHT OF THE (UNFORTUNATELY COMPLEX) REALITY HERE -- WHILE DIRECTING BLAME WHERE BLAME IS DUE.

-- PARA TEN, LINE SEVEN: REPLACE "450,000" WITH "525,000".

RATIONALE: UPDATED ANNUALIZED STATISTIC FOR THE THREE YEAR PERIOD (SEE ALSO PARA 9, SECTION 1.G.).

-- PARA ELEVEN, LINES FOUR-SIX: REPLACE SECOND SENTENCE WITH "GUERRILLA FORCES WERE ALSO RESPONSIBLE FOR DISAPPEARANCES, AS WELL AS MORE THAN FIFTY PERCENT (UPWARDS OF 800) OF ALL FORMALLY REPORTED KIDNAPPINGS." RATIONALE: FACTUAL UPDATE WITH 1997 DATA. (ALSO, RELEVANT LANGUAGE IN FIRST SENTENCE OF PARA 10 OF SECTION 1.B. MUST ALSO BE UPDATED -- SEE BELOW FOR LANGUAGE.)

SECTION 1.A

\$\$ PARA ONE, LINE THREE: AFTER SECOND SENTENCE, INSERT "ALMOST TWICE AS MANY PEOPLE DIED IN POLITICAL VIOLENCE "OUTSIDE OF COMBAT" AS DIED IN FORMAL COMBAT BETWEEN THE PUBLIC SECURITY FORCES AND ARMED OPPOSITION GROUPS. EXTRAJUDICIAL KILLINGS, POLITICAL AND OTHERWISE, REMAINED THE NUMBER ONE CAUSE OF DEATH IN THE NATION." RATIONALE: DISTILLATION OF LANGUAGE CUT FROM INTRO, BUT WHICH TRULY DESERVES MENTION IN SECTION 1.A. PROVIDES ESSENTIAL CONTEXT FOR UNDERSTANDING COLOMBIA'S HUMAN RIGHTS CRISIS.

\$\$ PARA ONE, LINE TWELVE: REPLACE "APPARENTLY DECLINED SLIGHTLY" WITH "CONTINUED TO DECLINE". RATIONALE: THE DECLINE WAS MORE THAN APPARENT, AND MORE THAN SLIGHT (15 PERCENT). ALSO, IT IS IMPORTANT TO NOTE THE TREND LINE -- THE NUMBERS OF EXTRA-JUDICIAL KILLINGS

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ATTRIBUTABLE TO THE MILITARY DOES INDEED CONTINUE (FOR THE FOURTH CONSECUTIVE YEAR NOW) ON A DOWNWARD SLOPE: BOTH IN RAW NUMBERS AND AS A PERCENTAGE OF TOTAL SUCH KILLINGS. INDEED, IF ANYTHING IS "SLIGHT" NOW, IT IS THE NUMBER OF EXTRA-JUDICIAL KILLINGS NOW COMMITTED BY THE MARGINALIZED ARMY (7 PERCENT OF TOTAL) VERSUS THOSE KILLED IN THE WAR BETWEEN THE PARA'S (69 PERCENT) AND THE GUERRILLAS (23.5 PERCENT).

-- PARA THREE, LINE ONE: REPLACE "1996" WITH "1997".
RATIONALE:
FACTUAL ACCURACY.

-- PARA FOUR, LINE ELEVEN: REPHRASE SO AS TO READ, "FOUR FIELD-GRADE INTELLIGENCE OFFICERS WITH TIES TO THE BRIGADE WERE PASSED OVER FOR PROMOTION..." RATIONALE: ACCURACY. WHILE ALL FOUR HAD LINKS TO THE 20TH BRIGADE, NOT ALL WERE CURRENTLY SERVING IN THE BRIGADE. (ONE WAS THE COMMANDER; TWO WERE SERVING IN BATTALIONS WHICH TECHNICALLY FALL UNDER THE 20TH BRIGADE BUT WHICH ARE UNDER THE OPERATIONAL CONTROL ("OPCON") OF OTHER FIELD BRIGADES. THE FOURTH, A FORMER OFFICER OF THE 20TH, WAS CURRENTLY SERVING AS THE E-2 IN ANOTHER (THE FIRST) BRIGADE.)

-- PARA SEVEN, RE NOTE: THE CASE OF GENERAL YANINE DIAZ' INVOLVEMENT IN THE MASSACRE OF THE 19 MERCHANTS HAS BEEN BROUGHT BEFORE THE INTER-AMERICAN HUMAN RIGHTS COURT, WHERE IT IS CURRENTLY UNDER REVIEW PENDING JUDGMENT. VARIOUS COLOMBIAN HUMAN RIGHTS GROUPS, INCLUDING THE COLOMBIAN COMMISSION OF JURISTS, FILED THE CASE. (THE GOC HAS RECOGNIZED THE IAHRC'S JURISDICTION IN THIS AND SIMILAR HUMAN RIGHTS CASES.)

-- PARA EIGHT, LINE FOUR: REPLACE "THE KILLING OF FORMER PATRIOTIC UNION (UP) LEADER SENATOR MANUEL VARGAS CEPEDA" WITH "THE KILLING OF THE LEADER OF THE PATRIOTIC UNION (UP), SENATOR MANUEL VARGAS CEPEDA." RATIONALE: READABILITY/CLARITY. ALSO, HE WASN'T "FORMER" WHEN HE WAS KILLED.

-- PARA TEN. REPLACE ENTIRELY SO AS TO READ: "ACCUSED NARCO-TRAFFICKER FIDEL CASTAÑO, CO-FOUNDER OF THE ACCU, WAS SENTENCED IN ABSENTIA MAY 26 BY A REGIONAL JUDGE IN MEDELLIN TO 30 YEARS IN PRISON FOR THE JANUARY 1990, MASSACRE OF 43 PEASANTS IN PUEBLO BELLO, ANTIOQUIA, AND FOR THE 1988, KIDNAPPING AND KILLINGS OF CONSERVATIVE SENATOR ALFONSO OSPINA OSPINA. CASTAÑO'S CODEFENDANT, AND FELLOW PARAMILITARY LEADER, JOSE ANIBAL RODRIGUEZ URQUIJO, WAS SENTENCED IN JANUARY TO SERVE 40 YEARS IN PRISON FOR HIS ROLE IN THE TWO CRIMES." RATIONALE: FACTUAL ACCURACY. THIS PARAGRAPH WAS CUT FROM POST'S SUBMITTED TEXT (REF B), ONLY TO BE PARTIALLY REINSERTED (BASED ON A PREVIOUS BOGOTA CABLE), BUT WITH MULTIPLE ERRORS IN NAMES AND DATES AND OVERLOOKING THE CONVICTION OF FIDEL CASTAÑO.

\$\$ PARA TWELVE, LINE FOUR: INSERT AFTER FIRST SENTENCE: "THE NUMBER OF SUCH KILLINGS ATTRIBUTABLE TO PARAMILITARY FORCES INCREASED FROM 751 IN ALL OF 1996 TO 752 IN JUST THE FIRST 9 MONTHS OF 1997." RATIONALE: AS CURRENTLY DRAFTED, THIS KEY BASELINE DATA RE THE ACTUAL NUMBER OF PARAMILITARY EXTRAJUDICIAL KILLINGS HAS BEEN CUT ENTIRELY FROM THE REPORT. THIS STATISTIC DRAMATICALLY DEMONSTRATES THE UPSWING IN PARAMILITARY KILLINGS.

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SS AFTER PARA TWELVE: INSERT PREVIOUSLY EXCISED PARA: "THE REPORT ADDED THAT "THERE EXISTS A TROUBLING AND CLEARLY EVIDENT SYMBIOSIS BETWEEN LOCAL POLITICAL AND ECONOMIC ELITES, IN SOME REGIONS OF THE COUNTRY WITH THE SELF-DEFENSE GROUPS, NOT JUST IN FINANCING THEM BUT IN THE DIRECTION OF THEIR ACTIVITIES." THE REPORT CONCLUDED THAT, "THE SELF-DEFENSE GROUPS HAVE BECOME PART OF THE CURRENT ARMED CONFLICT, AS A SEMI-AUTONOMOUS ACTOR WITH ITS OWN MILITARY CAPACITY, SIGNIFICANT TERRITORIAL CONSOLIDATION, A SOCIAL PROJECTS BUDGET AND WITH A STRONG DEPENDENCE ON THE OPEN SUPPORT, IN SOME CASES, AND THE ACTIVE TOLERATION, IN OTHER CASES, OF PERSONS BELONGING TO BOTH THE PUBLIC AND PRIVATE SECTORS. IT SHOULD BE NOTED, HOWEVER, THAT THE ENTIRE STATE DOES NOT SPONSOR THEM AND SHOULD COMBAT THEM."

RATIONALE: PROVIDES ESSENTIAL/ESSENTIAL ANALYSIS AND DESCRIPTION OF THE PARAMILITARY PROBLEM -- AND WAS WRITTEN BY GOVERNMENT OFFICIALS THEMSELVES. ITS ABSENCE PROVIDES MAJOR DISSERVICE TO READERS, AND ALLOWS THEM TO INACCURATELY INFER THAT THE PARAMILITARY PROBLEM IS SIMPLY ONE OF THE MILITARY OR THE CENTRAL GOVERNMENT. IT PROVIDES THE OTHER HALF OF THE PICTURE. THIS IS ESPECIALLY SO GIVEN HOW THE EDITED TEXT CURRENTLY READS: WITH THE PREVIOUS PARAGRAPH CONCLUDING BY QUOTING ONLY ONE PART OF THE REPORT -- THAT PART WHICH DEALS WITH THE STATE'S HISTORICAL ROLE AND RESPONSIBILITY. ABSENCE OF THIS PARAGRAPH WILL ONLY PROVIDE READERS A LESS-THAN-FULL UNDERSTANDING OF THE PROBLEM AND THUS BELIEVE LESS-THAN-FULL SOLUTIONS WILL BE SUFFICIENT; THEY COULD NOT BE MORE WRONG TO BELIEVE SO.

SS. PARA THIRTEEN, LINE ELEVEN: REPLACE "OPERATIONAL" WITH "INSTITUTIONAL OR OPERATIONAL". RATIONALE: ACCURACY. ALSO, THE ISSUE OF "INSTITUTIONAL TIES" IS THE CRUX OF THE MATTER, REPEATEDLY AND ENERGETICALLY DENIED BY THE MILITARY HIERARCHY HERE.

-- PARA SEVENTEEN, LINES ELEVEN AND TWELVE: DELETE "ON OCTOBER 14". RATIONALE: ACCURACY. ARMY IG INVESTIGATION BEGAN ALMOST IMMEDIATELY. ATTORNEY GENERAL INVESTIGATION ACTUALLY ORDERED OCTOBER 11 (POST NOW HAS A COPY OF THE DATED ORDER.). ALSO, IN SAME SENTENCE: REPLACE "FORMAL INVESTIGATIONS" WITH "FORMAL ADMINISTRATIVE INVESTIGATIONS". RATIONALE: IMPORTANT TO RECOGNIZE THE LIMITATIONS OF THESE TWO INVESTIGATIONS.

-- PARA EIGHTEEN, LINE SEVEN: REPLACE "ARRESTED" WITH "RECAPTURED". ALSO DELETE THE NOTE IN LINE ELEVEN (FYI: RUBIO HAD ESCAPED AFTER SENTENCING).

-- PARA TWENTY-ONE, LINE THREE: REPLACE "JUST AFTER" WITH "EVEN AS". RATIONALE: ACCURACY. HE WAS SHOT FIRST, CALLED FOR BACKUP, HELPED DEAL WITH THE BOMB, AND THEN DIED FROM WOUNDS SUFFERED.

SECTION 1.B.

-- PARA ONE, RE NOTE: "SIMPLE KIDNAPPING" IS KIDNAPPING CONDUCTED FOR REASONS OTHER THAN EXTORTION, E.G., KIDNAPPING IN CONJUNCTION WITH SEXUAL CRIMES OR FOR ANY OTHER MOTIVE.

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-- PARA TWO, LINE FOUR: DELETE THE WORD "HALF". RATIONALE: EDITING ERROR.

-- PARA THREE, RE NOTE: WE BELIEVE SO, AS THE GOVT. PASSED A LAW IN 1996 TO PERMIT SUCH PAYMENTS AND ANNOUNCED IN SEPTEMBER 1997 THAT IT HAD SINCE PAID SCORES OF FAMILIES IN ACCORDANCE WITH COLOMBIAN COURT OR IAHRC DIRECTIVES OR RECOMMENDATIONS.

-- PARA FOUR, RE NOTE: YES, THE OTHER FAMILIES ARE INDEED TO RECEIVE COMPENSATION -- AS STATED IN THE FIRST SENTENCE OF SAME PARAGRAPH. FOR CLARITY, PERHAPS THE WORDS "FOR EXAMPLE," COULD BE APPENDED TO THE BEGINNING OF THE FINAL SENTENCE OF THE PARAGRAPH.

-- PARA FIVE, LINES THREE-FOUR: REPLACE "THE THEN-COMMANDING GENERAL OF THE 20TH BRIGADE" (LOWER-CASE B) WITH "THE FORMER COMMANDER OF THE 20TH INTELLIGENCE BRIGADE" (UPPER CASE I AND UPPER CASE B). RATIONALE: VELANDIA WAS A COLONEL, NOT A GENERAL, WHEN HE COMMANDED THE BRIGADE. ALSO, THE SENTENCE AS CURRENTLY WRITTEN MAY ALLOW ONE TO INFER THAT HE WAS THE COMMANDER IN 1996 VICE 1987; NOT SO.

-- PARA SIX: REPLACE "THE HUMAN RIGHTS COMMITTEE (OF THE UNITED NATIONS)" WITH "THE U.N. COMMITTEE ON HUMAN RIGHTS". RATIONALE: STANDARD LANGUAGE USED ELSEWHERE IN REPORT. ALSO, RE NOTE: POST HAS NO ADDITIONAL INFO.

-- PARA NINE, LINE ONE: REPLACE "MEMBERS OF A PARAMILITARY GROUP" WITH "PRESUMED MEMBERS OF A PARAMILITARY GROUP". RATIONALE: AS THE PARAGRAPH MAKES CLEAR, IT MAY WELL HAVE BEEN ELEMENTS OF THE ARMY, NOT A PARAMILITARY GROUP, THAT COMMITTED THE CRIMES. PRIOR TO THE SERGEANT'S CONFESSION, THE PUBLIC ASSUMPTION HAD BEEN THAT A PARAMILITARY GROUP WAS RESPONSIBLE -- AN ASSUMPTION NOW CLEARLY IN DOUBT.

-- PARA TEN: REPLACE FIRST SENTENCE SO AS TO READ "GUERRILLA GROUPS WERE DEEMED RESPONSIBLE FOR GREATER THAN 50 PERCENT (INVOLVING MORE THAN 800 VICTIMS) OF ALL KIDNAPPING CASES FORMALLY REPORTED DURING 1997, ACCORDING TO 'PAIS LIBRE' FOUNDATION". RATIONALE: FACTUAL UPDATE WITH 1997 YEAR DATA. (SEE ALSO PARA ELEVEN OF INTRO, ABOVE.)

-- PARA THIRTEEN, LINE TWO: REPLACE "GUERRILLAS IN" WITH "GUERRILLAS IN". RATIONALE: TYPO.

\$\$ PARA THIRTEEN (FINAL PARA), APPEND NEW FINAL SENTENCES: "THE TORTURED BODY OF AMERICAN GEOLOGIST FRANK THOMAS PESCATORE, KIDNAPED DECEMBER 10, 1996 BY THE FARC, WAS FOUND FEBRUARY 23. THE FARC KIDNAPPED TWO MORE AMERICAN CITIZENS DURING THE YEAR, RELEASING THEM ONLY AFTER EACH HAD SPENT SOME EIGHT MONTHS IN CAPTIVITY; THE ELN CONTINUES TO HOLD CAPTIVE ANOTHER AMERICAN GEOLOGIST, KIDNAPED FEBRUARY 24, 1997." RATIONALE: POST FINDS TROUBLING THE DEPARTMENT'S EDITING OUT OF ANY AND ALL REFERENCES IN THE DRAFT REPORT (REF B) TO ANY AMCITS WHO WERE ACTUALLY KIDNAPPED (TWO SINCE RELEASED, ONE OTHER STILL BEING HELD) OR RECOVERED (ONE FOUND DEAD) DURING 1997. (RÉFÉRENCES WERE CUT FROM THE INTRODUCTION, SECTION 1.A. AND 1.B., WHERE AMCIT KIDNAPPINGS HAVE ROUTINELY BEEN CHRONICLED IN YEARS' PAST. THE ONLY CASE CURRENTLY MENTIONED IN THE DRAFT AT ALL -- NEW TRIBES MISSION -- IS NEITHER

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A 1997 CASE NOR THE ONLY CASE BEING PURSUED, JUST THE HIGHEST PROFILE SUCH CASE.) GIVEN THE HIGH IMPORTANCE USG PLACES ON RESOLVING ALL/ALL THESE CASES AND THE GREAT EMPHASIS BEING PLACED HERE (AND IN WASHINGTON) ON THE NEED FOR THE GUERRILLAS TO CEASE KIDNAPPINGS AS A PRECONDITION FOR PEACE TALKS, POST FINDS THE EXCLUSION BAFFLING. POST STRONGLY RECOMMENDS INCLUSION OF THIS PROPOSED LANGUAGE.

SECTION 1.D

-- FINAL PARA, RE NOTE: IT IS POST'S UNDERSTANDING THAT THE GOVERNMENT PAID FOR VELEZ' PLANE TICKET, BUT PROBABLY NOT ALL OF HIS RELOCATION EXPENSES. NOR IS HE RECEIVING ANY CONTINUING STIPEND OR LIVING EXPENSES.

SECTION 1.E

-- PARA SIX, RE NOTE: AS BEST WE CAN CURRENTLY DETERMINE, THE MILITARY TRIAL OF THE THREE SUBORDINATES TO COL. NAVAS RUBIO HAS NOT YET BEGUN. IRONICALLY, THIS MAY IN PART BE DUE TO THE CONFUSION AS TO HOW TO PROCEED WITH MILITARY HUMAN RIGHTS TRIALS NOW THAT THE CONSTITUTIONAL COURT HAS ORDERED ALL SUCH CASES BE TRIED IN CIVIL COURTS. (FYI: THE SEPARATE CIVIL TRIAL OF COL. NAVAS RUBIO, WHO IS CURRENTLY UNDER MILITARY DETENTION IN BOGOTA, IS EXPECTED TO BEGIN IN FEBRUARY OR MARCH 1998).

-- PARA FIFTEEN, RE NOTE: THERE HAS BEEN MUCH DISCUSSION RE THE 1999 DISBANDMENT OF THE REGIONAL COURTS, INCLUDING SOME STATEMENTS BY THE CURRENT GOVERNMENT -- WHICH WILL NOT EVEN BE IN POWER IN 1999. MOST "FACELESS" PERSONNEL WE HAVE TALKED TO, HOWEVER, ARE CONVINCED THAT THE REGIONAL SYSTEM WILL BE ABOLISHED AS ANTICIPATED. BUT, FOLLOWING DEPARTMENT GUIDANCE AS LAID OUT IN THE JULY 1997 "REFERENCE SOURCE FOR PREPARATION AND DRAFTING OF THE ANNUAL REPORTS", POST OBJECTS TO GIVING CREDIT TO GOVERNMENT STATEMENTS AS OPPOSED TO CONCRETE ACTIONS.

SECTION 1.G

-- PARA THREE, RE NOTE: POST DOES NOT HAVE DETAILED STATS AT HAND RE KIA, WIA, HOUSES DESTROYED, ETC.

-- PARA NINE, REPLACE FIRST SENTENCE SO AS TO READ IN FULL: "ACCORDING TO THE ADVISORY COMMITTEE FOR HUMAN RIGHTS AND DISPLACEMENTS (CODEHES), SOME 257,000 PERSONS WERE FORCIBLY DISPLACED FROM THEIR HOMES BY VIOLENCE IN 1997; THE TOTAL NUMBER OF INTERNALLY DISPLACED CITIZENS DURING THE YEARS 1995-1997 EXCEEDED 525,000." RATIONALE: UPDATED AND ANNUALIZED DATA; ALSO: A TIME-FRAME MUST BE PROVIDED FOR DATA COVERING SEVERAL YEARS. (ALSO LANGUAGE THEN CONFORMS TO PARA TEN OF INTRO.)

-- PARA TWELVE, LINE FIVE: REPLACE THE PHRASE (GROUPS, OR "FRONTS") WITH THE WORD (FRONTS). RATIONALE: SAME AS FOR INTRO, PARA TWO, LINE SIX (ABOVE).

\$\$ PARA TWELVE, LINES EIGHT-NINE: REPLACE "NEARLY TWO-THIRDS" WITH "MORE THAN ONE-HALF". RATIONALE: SAME AS FOR INTRO, PARA TWO, LINE ELEVEN (ABOVE).

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\$\$ PARA TWENTY-FOUR ("MORE THAN 24 MAYORS..."), LINE EIGHT: AFTER SECOND SENTENCE OF PARA, INSERT NEW SENTENCE: "AT LEAST SIXTY MAYORS OR MAYORAL CANDIDATES WERE KIDNAPPED; MANY SCORES OF CANDIDATES FOR LESSER LOCAL OFFICES WERE ALSO ABDUCTED." RATIONALE: SENTENCE CUT DURING EDITING, BUT PARA CURRENTLY SPEAKS ONLY TO GUERRILLA KILLINGS, NOT ABDUCTIONS, OF POLITICAL CANDIDATES. THE GUERRILLAS EMPLOYED ABDUCTIONS EVEN MORE FREQUENTLY THAN KILLINGS IN AN EFFORT TO SPUR POLITICAL RESIGNATIONS. BOTH ARE GROSS VIOLATIONS AND SHOULD BE DOCUMENTED.

SECTION 2.A.

-- PARA EIGHT, LINE FIVE: REPLACE "DRUG TERRORIST ACTIVITY" WITH "DRUG-RELATED OR TERRORIST ACTIVITY". RATIONALE: ACCURACY. NOR DO WE NEED REFERENCES WHICH MAY BE INTERPRETED AS "NARCÓ-GUERRILLAS".

-- PARA TEN, FINAL SENTENCE: DELETE SENTENCE ("ANOTHER TWO JOURNALISTS WERE KILLED IN SEPARATE ATTACKS LATER THAT MONTH.") RATIONALE: IN REF B, "THAT MONTH" REFERRED TO NOVEMBER; REJIGGERED LANGUAGE IN CURRENT DRAFT HOWEVER, "THAT MONTH" REFERS INACCURATELY TO SEPTEMBER. ALSO, RE NOTE: PER ORIGINAL TEXT (PARA TEN OF REF B) AS AMENDED BY REF C (BUT CUT BY DEPARTMENT): SEVEN COLOMBIAN JOURNALISTS WERE MURDERED IN 1997.

-- PARA ELEVEN: SECOND LINE OF TEXT APPARENTLY DROPPED. REPLACE FIRST SENTENCE SO AS TO BEGIN: "THE JAIME BATEMAN CAYON MOVEMENT, A SMALL SPLINTER GROUP OF THE LONG-DEMOBILIZED M-19 MOVEMENT, CLAIMED RESPONSIBILITY FOR THE KIDNAPPING ON DECEMBER 4...." (NOTE: IN BOTH CASES, "MOVEMENT" SHOULD BE CAPITALIZED AS IT IS PART OF THE FORMAL NAMES OF THE GROUPS.)

SECTION 2.D.

\$\$ PARA THREE, AFTER FIRST SENTENCE: INSERT "ON JUNE 6, THE GOVERNMENT FORMALLY INVITED THE UNHCR TO ESTABLISH AN ONGOING PRESENCE WITHIN THE COUNTRY." RATIONALE: SENTENCE APPEARS TO HAVE BEEN DROPPED JUST BECAUSE THE UNHCR HAS NOT FORMALLY RESPONDED YET. NONETHELESS, REQUESTING UNHCR "INTERVENTION" WAS A MAJOR STEP FOR THE GOVERNMENT TO TAKE -- AND IT SHOULD BE RECOGNIZED AS SUCH.

SECTION 3

-- PARA FIVE, LAST SENTENCE: REPLACE SO AS TO READ: "..., AS THE GUERRILLAS' CAMPAIGN OF THREATS, KIDNAPPINGS AND MURDERS FORCED THE WITHDRAWAL OF MORE THAN 2,000 CANDIDATES FOR PUBLIC OFFICE (SEE SECTION 1.G.)." RATIONALE: ACCURACY. THE NUMBER 2,000 REFERS TO THE NUMBER ACTUALLY FORCED TO WITHDRAW. THE NUMBER THREATENED, FOR EXAMPLE, FAR EXCEEDED THAT.

\$\$ PARA SIX, LINE ONE: REVERSE THE ORDER OF THE WORDS "PARAMILITARY" AND "GUERRILLA" IN THE FIRST SENTENCE (I.E., RETURN TO AS FIRST PROPOSED BY POST). RATIONALE: GUERRILLA ELECTORAL VIOLENCE FAR OUT-DISTANCED PARAMILITARY ELECTORAL VIOLENCE BY AN

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ORDER OF MAGNITUDE. POST UNDERSTANDS THE STANDARD DESIRE TO DISCUSS PARAMILITARY VIOLATIONS BEFORE GUERRILLA VIOLATIONS -- BUT IN THIS CASE, THE GUERRILLAS HAD A NATIONAL POLICY OF OBSTRUCTING THE ELECTIONS, THE PARAMILITARIES DID NOT. IT IS HIGHLY MISLEADING TO EVEN SUGGEST OTHERWISE.

-- PARA NINE, RE NOTE AND RELATED TEXT: IT IS HARD TO SAY WHETHER WOMEN ARE "UNDERREPRESENTED" IN OFFICIAL AND PARTY POSITIONS AS THERE ARE NO QUOTAS HERE FOR THEIR PARTICIPATION. THAT SAID, WE NOTE THAT A FAIR NUMBER OF SENIOR PRESIDENTIAL COUNCILORS AND CABINET-MEMBERS ARE WOMEN -- PROBABLY MORE THAN IN THE UNITED STATES. IT ALL DEPENDS ON YOUR STANDARD FOR "UNDERREPRESENTATION." POST WOULD PREFER TO DELETE THE FINAL SUBORDINATE CLAUSE OF THE FIRST SENTENCE OF THIS PARA.

SECTION 4

-- PARA THREE, FIRST SENTENCE: REPLACE SO AS TO READ "THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS OPENED A FIELD OFFICE IN BOGOTA IN APRIL WITH A MANDATE TO RUN THROUGH APRIL, 1988." RATIONALE: ACCURACY. THE FORMAL 17-MONTH MANDATE BEGAN TICKING WHEN THE UNHCHR APPROVED (IN 1996) OPENING THE OFFICE, NOT IN APRIL 1997 WHEN THE OFFICE OPENED.

-- PARA SEVEN, NOTE RE FINAL SENTENCE: BE ADVISED POST'S SUBMISSION DID NOT MENTION AMNESTY INTERNATIONAL BY NAME AS THE ORGANIZATION WHICH CLOSED ITS BOGOTA OFFICE. (THIS WAS DONE AFTER CONSULTATIONS WITH VISITING MEMBERS OF AMNESTY INTERNATIONAL/LONDON, WHO PREFERRED NOT TO HAVE THE GROUP MENTIONED BY NAME IN THIS CONTEXT. THE CLOSING OF THE OFFICE, ALTHOUGH MENTIONED ONCE IN ONE NEWSPAPER HERE, IS NOT COMMON KNOWLEDGE -- THOUGH CLEARLY KNOWN TO THOSE WHO THREATENED THE OFFICE -- AND AI HOPES TO REOPEN THE OFFICE AT SOME POINT.) POST LEAVES THIS ISSUE, HOWEVER, TO WASHINGTON'S CALL.

\$\$ WHETHER OR NOT AI IS MENTIONED BY NAME IN THIS CONTEXT, POST STRONGLY RECOMMENDS THE REINSERTION IN THIS SECTION OF TWO PARAGRAPHS PURGED FROM POST'S SUBMISSION (REF B, SECTION 4, PARAS TEN AND ELEVEN) WHICH DEALT WITH THE OCTOBER 1997 AI PUBLICATION ON HUMAN RIGHTS VIOLATIONS OF IDP'S AND THE COLOMBIAN GOVERNMENT'S STRONG PUBLIC REACTION AGAINST THAT REPORT. RATIONALE: ACCORDING TO THE JULY 1997 "REFERENCE SOURCE", THIS TYPE OF GIVE AND TAKE BETWEEN A GOVERNMENT AND AN INTERNATIONAL NGO IS PRECISELY THE SORT OF THING THAT IS CENTRAL TO SECTION 4, WHICH, AFTER ALL, IS ENTITLED "GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS."

\$\$ AFTER PARA SEVEN: INSERT NEW PARA: "THERE HAS BEEN NO PROGRESS IN INVESTIGATING THE OCTOBER 1996 MURDER OF THE HEAD OF THE META COMMITTEE FOR HUMAN RIGHTS, JOSUE GIRALDO, WHO WAS THEN UNDER THE "PROTECTION" OF THE INTER-AMERICAN HUMAN RIGHTS COURT. THE IAHCR REQUESTED IN FEBRUARY THAT THE GOVERNMENT PROSECUTE ANYONE TARGETING HUMAN RIGHTS ADVOCATES FOR MURDER AND EMPHASIZED THE SPECIAL IMPORTANCE OF EFFECTIVELY INVESTIGATING GIRALDO'S MURDER AS A MEANS OF PROTECTION FOR OTHERS SO TARGETED." RATIONALE: GIRALDO'S ASSASSINATION WAS NOT MENTIONED AT ALL IN THE 1996 REPORT

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(AN OMISSION WIDELY NOTED HERE). SINCE THEN, ATTACKS ON HUMAN RIGHTS WORKERS HAVE MULTIPLIED. ALSO, PROGRESS ON THIS CASE IS A KEY INDICATOR AS TO GOVERNMENT'S ATTITUDE TOWARDS INVESTIGATION OF MURDERS OF HUMAN RIGHTS WORKERS AND TOWARDS COMMENTS BY INTERNATIONAL ORGANIZATIONS SUCH AS THE IAHRC -- CENTRAL CONCERNS FOR SECTION 4.

-- AFTER PARA TEN ("AS PART OF THE DEFENSE MINISTRY'S...") INSERT NEW PARA: "THE PRESIDENT ANNOUNCED IN SEPTEMBER THAT THE GOVERNMENT HAD, UNDER THE TERMS OF A 1996 COMPENSATION LAW, COMPENSATED THE FAMILIES OF 89 VICTIMS OF HUMAN RIGHTS VIOLATIONS COMMITTED BY STATE AGENTS." RATIONALE: DISTILLATION OF EXCISED PARA. IT IS AN IMPORTANT STEP THE GOVERNMENT HAS TAKEN, RECOGNIZING RESPONSIBILITY FOR VIOLATIONS, AND ACTING UPON DOMESTIC OR OAS COURT FINDINGS TO COMPENSATE FAMILIES.

-- PENULTIMATE PARA, FIRST LINE: REPLACE "OFFICE TRIPS" WITH "OFFICIAL TRIPS". RATIONALE: EDITING ERROR. SAME PARA, THIRD LINE: REPLACE "MADE" WITH "CARRIED OUT". RATIONALE: DITTO.

SECTION 5

-- WOMEN, PARA THREE, RE NOTE: PARAGRAPH SHOULD BE RECAST IN PAST TENSE. I.E.: REPLACE "THE LAW PROVIDES" WITH "THE LAW HISTORICALLY PROVIDED". REPLACE "ALSO PROVIDES FOR" WITH "ALSO PROVIDED FOR". REPLACE "THE POLICE CANNOT" WITH "THE POLICE COULD NOT". REPLACE "SPOUSAL ABUSE IS NOT" WITH "SPOUSAL ABUSE WAS NOT". REPLACE "THE ASSAILANT IS RELEASED" WITH "THE ASSAILANT WAS RELEASED". REPLACE "FULLY EXONERATES" WITH "FULLY EXONERATED". RATIONALE: PARA DESCRIBES THE HISTORICAL COLOMBIAN APPROACH TO SUCH CRIMES -- CHANGED NOW ONLY BY THE 1996 AND 1997 LAWS (DESCRIBED IN NEXT TWO PARAS).

-- WOMEN, PARA FOUR, LINE ONE: INSERT ", HOWEVER," AFTER "THE 1996 LAW ON FAMILY VIOLENCE". RATIONALE: INDICATES A BREAK FROM HISTORICAL PRACTICE.

-- WOMEN, PARA FOUR, LINE NINE: REPLACE "CONGRESS" WITH "LAW 360". RATIONALE: MAKES CLEAR THAT IT IS A SEPARATE COMPANION LAW, AS WELL AS THAT IT WAS APPROVED IN 1997 (THE CURRENT YEAR). ALSO, THE ADMINISTRATION ACTUALLY PLAYED A STRONGER ROLE THAN THE CONGRESS IN BRINGING LAW 360 INTO FRUITION.

-- WOMEN, PARA FOUR, APPEND NEW FINAL SENTENCE: "THIS LAW ALSO PREVENTED THE SUBSEQUENT MARRIAGE OF THE RAPIST AND VICTIM FROM EXONERATING THE RAPIST OF THE PREVIOUS CRIMINAL CHARGES." RATIONALE: A BREAKTHROUGH CHANGE IN COLOMBIAN LAW, WHICH PUTS COLOMBIA AHEAD OF SOME FIFTEEN OTHER LATIN NATIONS."

-- WOMEN, RE NOTE AFTER PARA FOUR: ADULT PROSTITUTION IS NOT/NOT ILLEGAL IN COLOMBIA, ALTHOUGH INDUCING SOMEONE ELSE INTO

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PROSTITUTION IS ILLEGAL (2-4 YEARS IN PRISON), FORCING SOMEONE ELSE INTO PROSTITUTION IS ILLEGAL (3-9 YEARS IN PRISON), IMPORTING OR EXPORTING PROSTITUTES IS ILLEGAL (2-6 YEARS IN PRISON) AND INDUCING OR FORCING CHILD PROSTITUTION IS ILLEGAL (ADDITIONAL TIME ADDED ON AS AGGRAVATED CIRCUMSTANCES TO SIMPLE "PIMPING"). SEXUAL HARASSMENT, IF IT IS CONSIDERED A PROBLEM HERE, IS NOT SPOKEN OF VERY MUCH AMONGST COLOMBIA'S PANOPLY OF PROBLEMS, HUMAN RIGHTS OR OTHERWISE.

-- CHILDREN, PARA THREE, RE NOTE: THE ESTIMATE OF 100,000 CHILDREN (OR FULLY ONE PERCENT OF ALL KIDS BETWEEN THE AGES OF 8 AND 18) IN THE SEX TRADE STRIKES US AS QUITE HIGH. ACCORDING TO THE INSTITUTE OF FAMILY WELFARE (ICBF), THERE ARE SOME 25,000 UNDERAGE COLOMBIANS ENGAGED IN PROSTITUTION. IF WE HAD TO GUESS, THE REAL FIGURE PROBABLY LIES BETWEEN 25,000 AND 50,000. PERHAPS THE TEXT SHOULD JUST SAY "UPWARDS OF 25,000 CHILDREN..." THE STATEMENT RE THE 1996 LAW IS CORRECT -- SEE PARA FOUR OF SECTION ON WOMEN. THAT LAW WAS FURTHER TIGHTENED, HOWEVER, BY LAW 360 OF 1997: NON-VIOLENT SEXUAL ABUSE OF A CHILD UNDER FOURTEEN NOW CARRIES 4-10 YEAR PRISON SENTENCE; RAPE OF ANYONE UNDER 12 CARRIES AUTOMATIC SENTENCE OF 20-40 YEARS IN PRISON. POST, HOWEVER, HAS NO BASIS FOR SINGLING OUT BOGOTA, CARTAGENA OR THE COFFEE-GROWING REGIONS (HOW DEFINED?). POST ALSO NOTES LOGICAL INCONSISTENCY IN "HAD VIRTUALLY NO EFFECT BECAUSE" IT WASN'T ENFORCED IN 3 AREAS WHICH THEMSELVES ACCOUNTED FOR FAR LESS THAN HALF THE NATIONAL POPULATION. THAT SAID, THIS LAW IS PROBABLY NO BETTER ENFORCED THAN MOST OTHER COLOMBIAN LAWS: I.E., MINIMALLY, IF AT ALL. BUT THE TREND IN THE 1996 AND 1997 CHANGES IN THE LAWS OF SEXUAL ABUSE ARE CLEAR: SEXUAL CRIMES, CRIMES AGAINST CHILDREN AND CRIMES WITHIN THE FAMILY ARE TO BE DEALT WITH FAR MORE SEVERELY THAN IN YEARS PAST.

-- CHILDREN, PARA FOUR, PENULTIMATE LINE: REPLACE "1996 LAW ON FAMILY VIOLENCE," WITH "1996 LAW ON FAMILY VIOLENCE AND LAW 360 OF 1997". RATIONALE: BOTH LAWS, COMPANION PIECES ACCOMPLISHED DURING BACK-TO-BACK LEGISLATIVE SESSIONS, HAD BOTH BEEN DRAFTED TOGETHER TO INCREASE LEGAL PROTECTION FOR WOMEN AND CHILDREN.

-- INDIGENOUS PEOPLE, PARA FOUR, RE NOTE: WILLIAM ALBERTO TULENA TULENA HAS BEEN ARRESTED AND IS IN JAIL???. AS FOR PAYING HIS FINE: WE DOUBT HE HAS PAID IT YET. EVEN AS HE SITS IN JAIL, THE FINE -- ORDERED BARELY THREE MONTHS AGO -- IS UNDOUBTEDLY BEING APPEALED.

SECTION 6.A.

-- PARA FIVE, LINE TEN: INSERT NEW PENULTIMATE SENTENCE: "ELN AND FARC ATTACKS ON THE CIVILIAN OWNED AND OPERATED PIPELINE SYSTEM AVERAGED ONE EVERY 5 DAYS DURING 1997, AND SPILLED IN EXCESS OF 35,500 TONS OF OIL -- MORE THAN WAS SPILLED IN THE 1989 EXXON VALDEZ DISASTER. RATIONALE: ALL REFERENCES TO THE EXTENT OF GUERRILLA ATTACKS ON THE CIVILIAN PIPELINE SYSTEM -- AND THE EXTENT OF DAMAGE CAUSED BY THIS ECO-TERRORISM -- HAVE BEEN EXCISED FROM THE REPORT. MANY, THOUGH NOT ALL, OF THESE ATTACKS CAN READILY BE ARGUED AS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. INDEED, PRESSURE ON THIS POINT DURING 1997 IS FORCING THE GUERRILLAS TO RECONSIDER THE POLICY OF CONTINUING SUCH ATTACKS. IF NOTHING ELSE, ONE SENTENCE MUST BE INCLUDED SO AS TO PROVIDE CONTEXT AND

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underscore the gravity of the problem.

SECTION 6.C.

-- RE-NOTES: EXAMPLES TO THE CONTRARY MAY BE FOUND IN SECTION 6.D., WHERE IT IS NOTED, INTER ALIA, THAT A 1996 LABOR MINISTRY NOTED THAT 25 PERCENT OF RURAL CHILD LABORERS RECEIVED NO PAY AT ALL. DOES NOT SUCH UNPAID LABOR CONSTITUTE FORCED OR COMPULSORY LABOR? WE SIMPLY DO NOT KNOW, HOWEVER, HOW MUCH OF SUCH LABOR IS, FOR EXAMPLE, FAMILY-ORIENTED OR NOT, NOR WHETHER EVEN THIS FACTORS INTO WASHINGTON'S DEFINITIONS OF FORCED OR BONDED LABOR. PLEASE CORRECT/REVISE AS NECESSARY.

SECTION 6.E.

-- PARA ONE: REVISE/COMBINE THE FIRST TWO SENTENCES SO AS TO READ: "THE GOVERNMENT SETS A UNIFORM MONTHLY MINIMUM WAGE FOR WORKERS EVERY JANUARY (\$157, OR 203,826 PESOS, IN JANUARY 1998) AS A BENCHMARK FOR WAGE BARGAINING. RATIONALE: FACTUAL UPDATE/SIMPLIFICATION OF TEXT."

-- PARA TWO, RE-NOTE: UPDATED DATA ON WORK-RELATED ACCIDENTS TO BE PROVIDED SEPARATELY IF POSSIBLE (NOTE: THERE IS NO CENTRAL RESERVOIR HERE ON WORK ACCIDENTS; THE SOCIAL SECURITY INSTITUTE DATA, AND THAT FROM OTHER PRIVATE INSURERS, ONLY DETAILS DATA FOR INDIVIDUALS COVERED BY THOSE PROGRAMS -- NOT A TRUE NATIONAL FIGURE, OR EVEN AN ESTIMATE.)

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END OF MESSAGE

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